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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 William Hames,

12 Plaintiff(s),

13 v.

14 LiveOne, Inc.,

15 Defendant(s).

16 Case No. 2:22-cv-05973-RSWL-MRW

17 **DECLARATION OF CRAIG B.
18 SANDERS IN SUPPORT OF
19 PLAINTIFF'S REQUEST
20 FOR ENTRY OF DEFAULT
21 AGAINST DEFENDANT**

22 I, CRAIG B. SANDERS, declare:

23 1. I am a member of the Bar of this Court and am a partner with the law
24 firm of SANDERS LAW GROUP, attorneys for plaintiff, William Hames
25 ("Plaintiff"), in the above-captioned action.

26 2. I have personal knowledge of the facts set forth in this Declaration
27 and would testify as to them in a court of law if required to do so.

28 3. I respectfully submit this Declaration in accordance with Rule 55(a) of
29 the Federal Rules of Civil Procedure, in support of Plaintiff's application for a
30 certificate of default against defendant, LiveOne, Inc. ("Defendant").

31 4. This is an action seeking damages against Defendant arising from its

1 unauthorized use of Plaintiff's photographs on their website,
2 www.feelthepiece.com (the "Website") and the infringement of Plaintiffs'
3 copyrights in accordance with 17 U.S.C. § 501 *et seq.*

4 5. Jurisdiction of the subject matter of this action is based upon 28
5 U.S.C. § 1338(a) and 28 U.S.C. § 1331.

6 6. This Court has personal jurisdiction over Defendant because
7 Defendant's principal place of business is in California, and thus, has consented to
8 personal jurisdiction in California.

9 7. The Complaint in this action was filed on August 23, 2022 (Dkt. 1).

10 8. A true and correct copy of the Summons and Complaint were served
11 upon the Defendant via Daisy Montenegro, intake specialist, an authorized agent
12 legally able to accept service on August 31, 2022 at 11:35 a.m. at 330 N. Brand
13 Boulevard, Suite 700, Glendale, CA 91203 (Dkt 10).

14 9. On September 6, 2022 Proof of Service was filed with the Court. (*Id.*)

15 10. Consequently, an answer or responsive pleading was due from
16 Defendant on or before September 21, 2022. (*Id.*).

17 11. However, to date, Defaulting Defendant has not answered or
18 otherwise responded to Plaintiff's Complaint and the time for Defaulting Defendant
19 to do so has expired.

20 12. Plaintiff has been in touch with counsel for Defendant since
21 September 15, 2022. Plaintiff advised counsel on February 23, 2023 of their need
22 to answer the complaint. Plaintiff thereafter advised counsel on February 27, 2023
23 of their need to address this complaint. On Friday, March 3, 2023, Plaintiff
24 advised counsel that if they did not answer or appear in this action by Monday,
25 March 6, 2023, Plaintiff would file for a notation of default. Despite receiving
26 these emails and the final notice, Defendant has purposefully failed to answer or

1 appear.

2 13. This action seeks judgment against Defaulting Defendant for
3 statutory damages and Plaintiff's costs and attorneys' fees in prosecuting this
4 action.

5 14. Inasmuch as Defendant has failed to plead or otherwise defend in this
6 action, it is respectfully requested that a default be entered against Defendant.

7 15. Defendant is not in the military, infants, or incompetents.

8 16. I declare under penalty of perjury of the laws of the United States that
9 the foregoing is true and correct.

10 Dated: March 7, 2023

11 12 **SANDERS LAW GROUP**

13 13 By: /s/ Craig Sanders
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